

## ROCKEFELLER BILL VETOED BY FIELDER

Wise to Give Power to Institute; Too Great for Others, He Says.

## OBJECTOR FEARS HUMAN VIVISECTION

Brooklyn Man Asserts Bill to Incorporate Animal Research Bureau Was Railroaded.

[By Telegraph to The Tribune.]  
Trenton, N. J., April 13.—Upon the theory that while it might be safe to give the Rockefeller Institute of Animal Research the wide latitude provided by Senator Colgate's bill it would be unwise to confer this authority on irresponsible persons, Governor Fielder today vetoed the measure. The bill would permit the institute to establish a bureau near New Brunswick. John D. Rockefeller had endowed the institute to the extent of \$1,000,000 and James J. Hill had given \$50,000.

The decision of the Governor was made after a public hearing. In giving his reasons for the veto the Governor said:

"Under the present law scientific investigations and experiments on animals can be conducted only when authorized by a regularly incorporated medical society of this state. The change this law proposes is to permit any corporation incorporated for the purpose under the laws of any state or county to conduct such investigations and experiments without any supervision whatever.

"This right might safely be given to the Rockefeller research institute, but it would be unwise to confer it upon irresponsible persons who could obtain it by merely incorporating themselves."

The objections to the bill were numerous, but the principal one was by Frederick P. Bellamy, of Brooklyn, representing the Newark Vivisection Investigation League, who said the measure was so wide in its scope that it would permit the vivisection of human beings. He declared that the bill had been railroaded by the Legislature without proper consideration, having been introduced and passed in one day without a usual reference.

Mr. Bellamy said the bill would give license to any one to practise any kind of vivisection, and any five persons wishing to incorporate might do any amount of experimenting.

Dr. Simon Flexner, director of the Rockefeller Institute laboratories, said that if it had not been for experiments the treatment of disease would not have reached its present stage. He declared that if it had not been discovered in 1896 that insects carried fever germs the Panama Canal could not have been completed. He said every dose of medicine taken was an experiment; that even quinine could not be taken by all with the same result, as it was poison to some.

Dr. Flexner said it was the intention to investigate diseases of animals, chiefly domestic animals, to ascertain what they were and how they could be prevented and cured.

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## BURGEVIN TO LOSE PLACE

Mystery as to Change of Bronx Park Superintendents.

Julius V. Burgevin, Superintendent of Parks in The Bronx, is to lose his place, according to a report which was heard yesterday at the Park Department. It was not denied at the office of Commissioner Whittle that he was going, but when inquiry was made if there had been friction it was said no statement would be made now.

Report had it yesterday that a man named Hamilton, for some time connected with a big nursery in New Jersey, would get the place.

## HELD IN VOGEL AUTO PLOT

Chauffeur Accused of Taking Car of Banker's Wife.

George Fitzgerald, a chauffeur, was arrested last night, charged with the theft of a \$4,000 automobile from Mrs. Frank Vogel, the wife of Henry Siegel's partner. Fitzgerald was employed as chauffeur by Mrs. Vogel until March. On April 2 her car was stolen from her summer home in Deal Beach, N. J.

Detectives Finnan and Hughes discovered that on the day Mrs. Vogel's car was stolen Fitzgerald and a companion went to Deal Beach with a New York license number which had been stolen from a car in this city. On Friday they found Mrs. Vogel's car bearing the stolen license number in a garage.

Yesterday they saw Fitzgerald's alleged accomplice driving an automobile on Broadway. The sleuths made him drive them to Fitzgerald's home, at 2527 Seventh ave., where Fitzgerald was arrested.

## CAN'T TRANSPLANT HUMAN ORGANS

Continued from first page.

necessity forced to invent an artificial arm.

This man, William T. Carnes, was brought to the platform, where he demonstrated the possibilities of his arm before the assembled body. Although a stump five inches long was all that remained of his natural right arm, the mechanism joined to it performed all manner of motions. With it the inventor went through the act of eating and drinking, wrote his name with good penmanship, lit a cigarette, buttoned his shoes, picked a dime from the floor, and held a travelling bag so tightly that two strong men could not pull it from his grasp.

## Surgical Sewing Machine.

There were many other new inventions displayed among the instruments in the exhibition room, one of which was a miniature sewing machine attached to a clamp. This is used in stitching incisions made in the tissues of the stomach and intestines. Mme. Carrel, wife of Dr. Carrel, and herself a prominent surgeon, was particularly interested in this.

Of more technical appearance, but as highly prized by those who knew their use, were the instruments made by Dr. Lambotte, of Antwerp. There was a "tractor," used in the reduction of a fracture, and so contrived that a nurse could bring the ends of a fractured thigh bone together without difficulty. With it were attachments for holding the bone in place until a "fixateur," a kind of splint, could be placed on the bone until it healed.

Another instrument was known as the "Lambotte clamp." It consisted of an especially large pair of forceps, which held over the fractured ends of a bone a plate of aluminum, and made the work of riveting this plate to the bone easy without fear of destroying the state of sterility necessary to the success of the operation. This aluminum plate is permanent, and reinforces the knitted bone substance.

Surgeon General W. C. Gorgas, of the United States army, tendered to the association the official welcome of President Wilson and Dr. W. J. Mayo, president of the American Surgical Association, welcomed the foreign surgeons.

"We owe a debt of gratitude," he said. "For nearly a century we have been dependent upon the continent of Europe and on Great Britain for our surgical ideas. The constant stream of American visitors to Europe on returning may have given American characteristics to our surgery, but it is cosmopolitan in character. If some of our institutions have merits, they are due to European teachings."

Professor Willems, president of the international association, is on board the steamship Rotterdam on his way here. His appreciation of the welcome was read by Dr. J. P. Hogue, of New York, his assistant. Dr. L. L. McArthur, of the American committee, paid a tribute to the late Dr. Roswell Park.

Professor M. A. Depage, president of the congress, read his address in French. It was a plea for the abolition of shrapnel in war and expression of the hope that the United States of America and the "United States of Europe" would some time work hand in hand.

The afternoon session of the congress was devoted to the discussion of "The Technique of Amputations," and papers were read by Dr. Witzel, of Dusseldorf, Germany, on "Amputation of the Arm and Forearm," by Dr. Cecil, of Pisa, on "Amputation of the hand," by Dr. Kusnik on the same operation and on the thigh, and by Dr. Binnie, of Kansas City; Dr. Durand, of Lyons, and Dr. Ranzel, of Vienna, on similar operations.

In the evening a dinner was given at the hotel by the American association to the international association.

## FIND DRUG PARLOR BUSY

Police Arrest Eight in Place Owned by Man in Tombs.

Dr. J. J. Van Horne, of 149 West 33d st., is in the Tombs awaiting trial for running a drug parlor, but his place was found running full blast yesterday and yielded eight prisoners when the police called.

Detectives Andelman, Hewitt, Ross and Murphy, who made the raid, sent in Harry Gelston with a marked dollar bill. Gelston came out with some cocaine. He said he bought it from John D. Fox.

The detectives then entered the place and found eight men slumbering in air purged with the aroma of smoked opium. The men were held for having cocaine in their possession. Fox and Miss Kitty Murray were charged with selling it. All will be arraigned in the Jefferson Market Court to-day.

## CHRISTIAN SCIENCE CALLED HYSTERIA

Opponent of McClelland Bill Says Advocates Are Neurotics.

## GLYNN HEARS BITTER DEBATE ON MEASURE

Should Not Allow "Healers" to Practise Healing He Is Told.

[By Telegraph to The Tribune.]  
Albany, April 13.—The biggest hearing, probably, ever held before a Governor on a legislative bill took place this afternoon before Governor Glynn on Senator McClelland's measure to permit Christian Scientists to practise healing.

So many advocates of the Christian Science faith were present that the Governor had to transfer the hearing from the Executive to the Assembly chamber. There were 80 men and women from all parts of the state present.

The opponents of the bill comprised many men widely known in the medical profession. They were unsparring in their denunciation of Christian Scientists, referring to them as "neurotics."

In reply, Senator McClelland at the close of the hearing shouted out to stand up. Christian Scientists present to stand up. As the men and women who crowded the Assembly chamber and its galleries arose to their feet he said:

"These, Governor, are the men and women you have heard called neurotics and imbeciles."

Almuth C. Van Diver, counsel for the New York Medical Society, was the most bitter in his attacks on the Scientists. He called them "quacks" and "fakers" and "subjects of hysteria," and declared that their bill was sneaked through the Legislature in the closing days, when few knew what its provisions meant.

Senator McClelland denied that his bill was sneaked through the Legislature. Former Judge Edward W. Hatch also spoke for the Scientists. He declared that they had been practising healing for forty years, and that none of the dire consequences predicted by medical men had taken place.

"It cannot be denied that persons have the right to be saved or killed in their own way," he said. "Christian Science has been legalized in many states, and none of them has the health of the people been harmfully affected."

Dr. Van Diver declared that Christian Scientists did not worship God in churches for the uplift of the people, but maintained themselves in office buildings with office hours, "and sell cross their counters, prayers, silence and religious philosophy, platitudes and weak-minded men and the children unfortunate enough to be in their guardianship."

"These are the people," he said, "whom the Medical Society of New York have prosecuted, and some of whom they have put in jail. They would now have you turn them loose on the public."

Dr. Augustus A. Downing, Assistant Commissioner of Education, said the bill was opposed by the State Regents, and that it would legalize "spiritualists, hypnotists, naturopaths and other fakers."

Others who opposed the bill were Dr. J. Richard Kevin, for the Kings County Medical Society; Dr. Louis N. Neff, of the State Medical Society; Dr. J. J. O'Connell, Health Officer for the Port, and Dr. Abraham Jacob, of New York.

## ASKS STEEL INVESTIGATION

Representative Lobeck Plans Work for Redfield.

[From The Tribune Bureau.]  
Washington, April 13.—Another investigating job for the Secretary of Commerce was proposed to-day by Representative Lobeck, of Nebraska, who demands an inquiry into the purported plan of independent steel manufacturers to reduce wages.

Mr. Lobeck, a Democrat, asserts that the Democratic tariff was enacted to "reduce taxation, encourage business development and promote prosperity throughout the country." He read published accounts of a recent meeting in Pittsburgh of presidents of "independent" steel companies "to arrange a uniform reduction in wages."

The Lobeck resolution directs that Secretary Redfield investigate this meeting.

## Army and Navy Orders; Movements of Warships

[From The Tribune Bureau.]  
Washington, April 13.—The following army and navy orders have been issued:

Major JAMES A. SHIPTON, coast artillery, from Little Rock, to command Fort Terry, Vice Major EDWARD J. TIMELAKE, coast artillery, who will remain at Fort Terry until further orders.

Captain EDWARD KIMMEL, coast artillery, from staff of commanding officer coast defenses of Puget Sound.

Captain FRANCIS KIMMEL, coast artillery, report to commanding officer coast defenses of Puget Sound for staff duty.

NAVY.  
Captain L. S. VAN DUSEN, detached command the Utah; transferred to retired list. Lieutenant Commander W. C. ROPER, to the Kentucky.

Pay Inspector SAMUEL MCGOWAN, detached Atlantic fleet; to temporary duty navy Department.

Chief Boatswain J. F. HOPKINS, detached the Mississippi; to the Culgoa.

Boatswain E. E. KIMBONG, detached the Culgoa; to the Mississippi.

Gunner WILLIAM E. BERLIN, detached the Louisiana; to the Wisconsin.

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## TO AID CONVICTS IS JENNINGS'S AIM

Rather Do This than Be Governor, Says Ex-Train Robber.

"Al" Jennings, former train robber and desperado, now Democratic candidate for Governor of Oklahoma, outlined yesterday some of his ambitions at a luncheon given in his honor by Charles J. Hite at the Hotel Plaza. Mr. Hite is president of the Thannhouse Film Company, which is preparing a motion picture version of Mr. Jennings's life.

"The statement may not be believed," said Jennings, "but I have no ambition to be Governor of Oklahoma. I am fighting for something bigger—for the 4,000 men who are turned out of prisons and penitentiaries every year. I want to remove the scales of prejudice from the eyes of people after the law has been satisfied, so that these men can be given a chance in the world."

"The law should be no respecter of persons. It should seek out high and low alike. This morning, when I read of the putting to death of four men, it seemed to me like murder. It seemed to me that there was something the matter, something wrong, that these men should be sent to their death protesting their innocence."

The corrective system in dealing with criminals was the subject of an address by Dr. Katharine B. Davis, Commissioner of Correction.

"I consider that the name of our department," said Dr. Davis, "is a very significant one, as showing our attitude toward the offender. We need some institutions that will give the man who has broken the law another chance. I would like to see our penal institutions so reconstructed as to give men this chance."

"I believe in discipline, but I believe in a discipline that is educational, and not merely punitive."

## ASK TO SETTLE YERKES CLAIMS

Executors for Traction Man's Widow Say Compromise Will Be Best.

Charles Sims, Anna Hurlock Sims and Morris R. Rockius, executors of the will of Mrs. Mary A. Yerkes, filed a petition in the Surrogate's Court yesterday asking permission to compromise certain claims against the estate of Charles T. Yerkes, the Chicago traction man, who was the husband of Mrs. Yerkes.

James H. Caldwell, who was counsel for Mrs. Yerkes and for the executors, made an affidavit in which he said that the settlement would be advantageous, as there was little prospect of receiving anything further from the estate of Mr. Yerkes. The only prospect, said Mr. Caldwell, was in the successful outcome of a suit instituted in Chicago against Louis S. Owsley, executor of the estate of Mr. Yerkes, and the Chicago Railway Company.

There are two claims against Owsley for \$65,262. Under the agreement of settlement of the estate of Mrs. Yerkes will receive \$118,112. Mrs. Yerkes's estate now has \$56,500 in Chicago real estate, securities valued at \$317,000 and \$1,094 cash in bank. There are legacies payable under her will amounting to \$132,000.

## MITCHELL BILL WAR COST POLICE \$294

Meals and Refreshments Were Chief Ammunition, According to Schedules.

It cost the police organization just \$294.23 to assist at the burial of Mayor Mitchell's police bills at Albany, according to affidavits sent Mitchell May, the Secretary of State, yesterday.

William B. Ellison, counsel for the police, spent \$168.88, he says. Most of this went for seven days' board and lodging at the Ten Eyck Hotel, which cost \$118.78. There was 12 cents' worth of postage, and the charge for having a memorandum printed was \$15.30. The rest went for railroad fares, telephones and tips.

John T. Conway, president of the Sergeants' Benevolent Association, spent \$24.25, and Harry J. Young, president of the Patrolmen's Benevolent Association, disbursed \$55. Richard E. Enright, president of the Lieutenants' Benevolent Association, spent \$120 for a plain meal on the train and \$17.40 for a meal and refreshments at Albany. His bill was \$26.10.

By far the most frugal person was Henry W. Burfield, treasurer of the Police Endowment Association. His total was \$20.

## MEN TEACHER BILL SIGNED

Made Law by Glynn.

[By Telegraph to The Tribune.]  
Albany, April 13.—Governor Glynn signed to-day the bill of Senator Veltie enabling the Board of Education of New York city to obtain the services of a large number of men teachers, who, when the equal pay law went into effect, were on the eligible list for license No. 1, were serving as public teachers in fourth term, were regularly matriculated students in a training school and had completed or entered upon a course in the department of education or who had resigned from the teaching force and were appointed from an eligible list for license No. 1.

## FRAUD ALLEGED IN MARTIN WILL SUIT

Niece Asserts Clothing Merchant Was Influenced to Cut Her Off.

## DEMANDS SHARE OF UNCLE'S FORTUNE

Earlier Wills Concealed by Her Aunt and Cousin, She Charges.

Mrs. Elsie Kumble Martin filed suit in the Supreme Court yesterday to set aside the will of William R. H. Martin, her uncle, who was the senior member of the firm of Rogers, Peet Company, on the ground that when he made it he was not of sound mind. Mr. Martin died January 30, 1912.

His will was dated December 21, 1911, Martin Building. Mrs. Smith alleged that it was executed by him on his deathbed. Some of the property disposed of by the alleged invalid instrument was the Hotel Martinique, the Marbridge Building and the \$1,000,000. She believes that the grand Mrs. Elizabeth B. T. Martin, the wife, and Lucius Trowbridge Martin, a son, used undue and fraudulent influence in obtaining the last will of Mr. Martin.

Mrs. Smith alleged that her grandfather, John T. Martin, who died in 1896, left to her uncle a fortune of more than \$1,000,000. She believes that he grandfather provided that she should receive a substantial income for life. Mrs. Smith was a member of Mr. Martin's household from the time of her grandfather's death until 1903, and their relations, she said, were like those of father and daughter.

Mrs. Martin made several wills between 1907 and 1911, and in all of these except the last one, Mrs. Smith said, she was named as a legatee, her uncle leaving her bequests ranging from \$37,000 to \$100,000. She was not included in the last will.

Besides the charge of fraud and undue influence alleged by Mrs. Smith, she said that Mrs. Martin, her son and Edwin Trowbridge Hall, one of the executors, have suppressed and concealed the earlier wills made by her uncle.

The last will, which has been probated, left the residue of the estate to Mrs. Martin and the son for life, the whole to revert to the children of the son on the death of the life beneficiaries. Lucius Trowbridge Martin has three children.

According to Mrs. Smith, her uncle suffered from Bright's disease, and four months before he made his last will he suffered a mental derangement which made him incoherent for long periods. Mr. Martin was sent to French Lick Springs, where Mrs. Smith joined him and Mrs. Martin. Mrs. Smith pointed out as an instance of the mental condition of Mr. Martin when he returned to New York his wandering about Madison Square Garden during the horse show, oblivious of his surroundings and unable to take care of himself.

When his last illness overcame Mr. Martin, his niece alleged, she was not permitted to see him until she threatened to "use violence" if not admitted to his room. She said his mind was a total blank, and he failed to recognize her and called her by a name not her own.

## SHOT FIVE TIMES, SHE WALKS MILE AND ACCUSES HUSBAND

Mrs. Dellavia Had Refused to Live with Him, So He Fires at Her as She Leaves Mill—Now in Hospital Dying.

With five bullets in her body Mrs. Maria Dellavia walked a mile yesterday from the International Silk Mills, in West Hoboken, N. J., to the police station, where her husband, Bartolomeo, was held without bail for the grand jury charged with shooting her.

Both worked in the silk mill, but Mrs. Dellavia had refused to live longer with her husband. He was waiting in the yard and shot her when she left at noon. Patrolmen Kohn and Saldarini arrested Bartolomeo and wanted to call an ambulance for his wife, but she insisted on walking.

The ambulance surgeon who examined her there found that one bullet had penetrated her chest and was caught in the back of her waist. Another had clipped the jugular vein and was lodged just beneath the skin. She was taken to the North Hudson Hospital, where she is not expected to recover.

The yard was crowded when the shooting took place and a panic started. Women screamed and all fought to escape. No one thought to assist her to seize the man until the police arrived.

Mrs. Dellavia is forty years old. Her husband is forty-two. She lived at 43 Central ave.; he at 622 Highpoint ave. He was ill and two years ago she gave him her savings, about \$30, that he might return to Italy for treatment. He returned a short time ago and demanded that she return to his household. She refused.

"I haven't long to live," he cried, after a final appeal yesterday. "I might as well take you with me."

## GLYNN CONSIDERING BILLS Regrets That He Can't Attend Jefferson Day Dinner.

[By Telegraph to The Tribune.]  
Albany, April 13.—Governor Glynn today finished the hearings on bills before him, and will devote the time between now and April 27, the end of the thirty-day period, to the consideration of these measures. Because of this work the Governor sent a long message to the toastmaster of the Jefferson Day banquet of the National Democratic Club of New York, expressing his regrets that he would be unable to attend.

"Piled high on my desk," said the Governor, "are the bills enacted by the Legislature at its recent session, which must receive my approval or veto. Some of these bills deserve the closest scrutiny and the most thoughtful attention, and as matters stand I scarcely see my way clear to dealing with all of them as their importance deserves. To leave Albany before these bills are disposed of would be to be derelict in a manifest public duty. Important hearings have occupied my attention this afternoon, the last of which did not end until 6 o'clock."

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